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 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 EDUCATION, SERVICES: HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)
 Plaintiffs,)
 v.)
 ROSE WING PROPERTIES,)
 Defendant.)

CASE NO. CV-08-5365-CW

**STIPULATION OF DISMISSAL AND
~~—[PROPOSED]—~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure Rule 41(a)(1).

4 Respectfully submitted,

5
6 Dated: June 16, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

7
8 By: /s/
Thomas E. Frankovich
9 Attorneys for Plaintiffs CRAIG YATES and
10 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

11
12 Dated: June 17, 2009


STEVEN L. COSTA
LAW OFFICES OF STEVEN L COSTA

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14 By: /s/
Steven L. Costa
15 Attorneys for Defendant ROSE WING
16 PROPERTIES

17
18 **ORDER**

19 **IT IS HEREBY ORDERED** that this matter is dismissed with prejudice pursuant to
20 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
21 the purpose of enforcing the parties' Settlement Agreement and General Release should such
22 enforcement be necessary.

23
24 Dated: 6/24, 2009


25 **HONORABLE CLAUDIA WILKEN**
26 United States District Judge of California
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